

Superseded 5/10/2016

73-4-1 Action for a general adjudication of water rights -- Requirements for state engineer to file -- Adjudication area divisions.

- (1)
 - (a) Five or more, or a majority of, water users of a water source may submit a signed, verified petition to the state engineer requesting an investigation of the rights of all claimants to the water of the water source.
 - (b) Upon receipt of a petition described in Subsection (1)(a), the state engineer shall:
 - (i) investigate whether the facts and circumstances of the water source and its claimants justify a general determination of water rights; and
 - (ii) if justified, file an action in the district court for a general adjudication of water rights.
 - (c) In any suit involving water rights the court may order an investigation and survey by the state engineer of all the water rights on the source or system involved.
- (2)
 - (a) The executive director of the Department of Environmental Quality, with the concurrence of the governor, may request that the state engineer file in the district court an action to determine the various water rights in the stream, water source, or basin for an area within the exterior boundaries of the state for which any person or organization or the federal government is actively pursuing or processing a license application for a storage facility or transfer facility for high-level nuclear waste or greater than class C radioactive waste.
 - (b) Upon receipt of a request made under Subsection (2)(a), the state engineer shall file an action in the district court for a general adjudication of water rights.
 - (c) If a general adjudication is filed in the state district court regarding the area requested pursuant to Subsection (2)(a), the state engineer and the state attorney general shall join the United States as a party to the action.
- (3) When an action for a general adjudication of water rights for a certain area is filed in district court, the state engineer may divide the general adjudication area into divisions and subdivisions if the state engineer:
 - (a) fulfills the requirements of this chapter individually for each division or subdivision; and
 - (b) petitions the court to incorporate the decrees for all the divisions and subdivisions within a general adjudication area into a final decree for the entire general adjudication area.